

## Resource Meeting Agenda:

Attendees: Marie Kopka, Todd Vesperman USACE; Kathy Kowal, Sue Elston EPA; Gary Evans, Karen Braun Waukesha Co.; Anita Pusch, Karla Leithoff, Bunmi Olapo, Ben Eruchalu, Doug Cain WisDOT

## 1. Mitigation requirements per the Final EIS

1 – **Legal, permanent land protection of the remaining wooded upland.**

Waukesha County is continuing to negotiate with the owner to obtain a covenant and conservation protection through land acquisition or donation. Eminent domain is not an option for mitigation parcels.

2 – **Tree mitigation at a 1:1 ratio for trees impacted at the wooded upland.**

Waukesha County will work with the DNR and SEWRPC to find a location to plant native trees.

3 – **Protection of a fen within the Upper Fox River Watershed.** Waukesha County has identified the Brown's Fen within county owned land.

Doug provided a brief project update:

- Preliminary design complete for the North section. Expect preliminary design complete late June for the South section. Waukesha Co lead agency.
- Real estate acquisition to begin on the North section.
- State, County and City doing final design and construction. 3 separate lets.
- State – STH 59 to US 18 in 2017; County – US 18 to Northview in 2016; City – Northview to Rolling Ridge Dr. in 2016.

## 2. Upland Woods (Hardy Woods) conservation easement language agreed to with USACE. Appraisal approved. Ready to make offer.

## 3. Status of Brown's Fen review – 3.5 acre fen; 13.6 acre fen/wetland complex; potential for 55 acres of buffer. NE corner falls within deed restricted area. Majority of the area is not deed restricted. (alternate Yatzecks Fen update – 2 pieces divided by railroad tracks; SE section not for sale, NW section, 3.5+/- acre complex, owner has concerns with selling and not motivated to meet our deadlines; beaver dams and flooding may have damaged the fen.)

- Marie stated a delineation and rapid assessment needs completed to demonstrate the Brown's Fen is a high quality site. Threats to the fen also need to be identified.
- Marie and Sue asked how fens in the watershed were identified and evaluated.

- Karen stated Don Reed provided a map of all the fens in the area. The Yatzeck's Fen is the only other option in the area but may be damaged due to flooding and the seller has concerns with an easement and may not be a willing seller.
  - Sue has concerns with the Brown's Fen being located on public land and how fens were evaluated. Sue would like a map of all the fens and a discussion on how each was evaluated.
4. GP permit for north project (wetland impacts)
  5. IP permit for south project (wetland, upland woods, fen impacts)
    - Marie prefers one mitigation plan, including both permits, be submitted July 1 due to the proposed timing of each permit being submitted (GP in July, IP in September). The design team is concerned that the design information will not be complete by July 1 for the south project. Marie stated 60% information should be close enough for the permit submittal. Minor changes in acreage are not a concern.
  6. Wetland Mitigation – Estimated 14.3 acres wetland impacts. One site identified at Retzer Nature Center -25 acres. Possible credit of 14-15 acres. Need field review with agencies this spring.
    - The City of Waukesha will have to permit their wetland impacts (<0.05 acres) separately since they do not fall under the cooperative agreement. It may be possible for them to purchase credits for their impacts.

#### Action Items:

1. Complete a delineation and rapid assessment of the Brown's Fen – Waukesha County to have completed in 2 weeks.
2. Send a map of fens in the area and discussion on how each was evaluated – Waukesha County to send out in 1 week.
3. Provide any new information on the Yatzeck's Fen as it becomes available – Waukesha County.
4. Complete one mitigation plan, including GP and IP permits, by July 1, 2015 – Waukesha County to coordinate.
5. Communicate with the City of Waukesha that they will need to complete their own wetland mitigation – Waukesha County.
6. Set up a weekly teleconference call - Tuesday, 1:30, starting June 2 – WisDOT.
7. Meeting minutes prepared and sent out next week – WisDOT.
8. Prepare consultant work order to draft mitigation plan and permits – WisDOT.



## Wetland Impact Summary:

March 8, 2016 let (Kisdon Hill to Rolling Ridge Dr)

County/City/DOT project

City - Less than 0.05 acres (north of Northview)

County - 0.4 acres (north of 18 to Northview)

DOT (by County) - 1.1 acres (Kisdon Hill to 18)

Estimated total 1.55 acres – General Permit required

August 9, 2016 let (STH 59 to Kisdon Hill)

DOT project

State - 12.8 acres (south of Kisdon Hill)

Estimated total 12.8 acres – Individual Permit required

## Proposed schedule:

January 2015

ROD signed

December – August 2015

Work to secure three mitigation measures and develop wetland mitigation plan

June 1, 2015

Draft GP to Karla

July 1, 2015

GP permit to USACE (4 months prior PSE)

August 1, 2015

Draft IP to Karla

September 1, 2015

IP permit to USACE (8 months prior PSE)

November 1, 2015

Issue GP (County/City/DOT project plans due)

March 8, 2016

Scheduled Let for Kisdon Hill to Rolling Ridge Dr. (County/City/DOT project)

May 1, 2016

Begin construction Kisdon Hill to Rolling Ridge Dr. (County/City/DOT project)

May 1, 2016

Issue IP (DOT project plans due)

July 1, 2016

Begin wetland mitigation plan design

August 9, 2016

Scheduled Let for WIS 59 to Kisdon Hill (DOT project)

October 1, 2016

Begin construction WIS 59 to Kisdon Hill (DOT project)

WWB status as of 6/3/15:

FHWA/DOT trying to piecemeal permit into parts so FHWA/DOT can start constructing in the northern part of the project area, but wetland mitigation is not finalized for the south. ACE stated they may want to issue **PN** on entire project in July, but will mitigation be ready? ACE doesn't agree with FHWA/DOT trying to segment permits. If PN is issued in July, Sue would comment on PN.

Browns **Fen** is FHWA's primary mitigation option for fen impacts, but Fen is owned by county, so where's the demonstrable threat. Looking at fens in watershed, almost all on county property and several are degraded, and therefore not under demonstrable threat that need preservation. Sue suggested, off-line to Marie, that rehab/mitigation be conducted on 3 or 4 County-owned fens; different mitigation ratio would be needed; these fens should be protected since it's county-owned. Sue states that performance standards and monitoring would need to be established.

**Wetland** mitigation is suggested at Retzer's Nature Center, but a sufficient amount of acreage is not available.

**Upland** property easement not yet signed. County has suitable easement language and proposing to landowner.

**NEXT STEPS:** FHWA/DOT needs to develop suitable mitigation. Conference calls are regularly scheduled and Sue is invited. Site visits may be scheduled. Marie Kopka, ACE, will most likely keep Sue up to date. Sue will send emails to Ken